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13 Attorneys for the Plaintiff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,) Case No. 08cv0275-WQH (RBB)
Plaintiff,)
v.) NOTICE OF CONDEMNATION
1.45 ACRES OF LAND, MORE OR LESS,) [Fed. R. Civ. P. 71A]
SITUATE IN SAN DIEGO COUNTY, STATE)
OF CALIFORNIA; and AER CORPORATION;)
AND ALL OTHER INTERESTED PARTIES,)
Defendants.)

TO: All those persons and entities listed in Schedule G, attached hereto and made a part hereof.

NOTICE: You are hereby notified that a Complaint in Condemnation and a Declaration of Taking (under 40 U.S.C. § 3114), have been filed in the Office of the Clerk of the United States District Court for the Southern District of California to condemn certain estates, described in Schedule "E" attached hereto, for public uses in the property described in Schedule "C" attached hereto. The authority for the taking is set forth in Schedule "A", attached hereto. The uses for which the property is to be taken are set forth in Schedule "B" attached hereto.

If you have any objection or defense to the taking of the property in which you may have or claim some interest, you are required to serve upon Plaintiff's attorney, at the address on the first page, within twenty (20) days after service of this Notice upon you, exclusive of the date of service, an

1 Answer identifying the property in which you claim to have an interest, stating the nature and extent of
2 the interest claimed and stating all your objections and defenses to the taking of the property.

3 A failure to serve an Answer shall constitute a consent to the taking and to the authority of the
4 court to proceed to hear the action and to fix the just compensation. It shall also constitute a waiver of
5 all defenses and objections.

6 If you have no objection or defense to the taking you may file with the court, and serve on the
7 Plaintiff's attorney, a notice of appearance designating the property in which you claim to be interested
8 and thereafter you shall receive notice of all proceedings affecting the said property.

9 You are further notified that at the trial of the issue of just compensation, whether or not you
10 have answered or served a notice of appearance, you may present evidence as to the amount of
11 compensation to be paid for the property acquired herein and you may share in the distribution of the
12 award for compensation.

13 You are further notified, however, that unless you file a notice of appearance, this proceeding
14 may proceed to pretrial or trial without further notice to you.

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16 DATED: February 15, 2008

KAREN P. HEWITT
United States Attorney

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/s/
TOM STAHL
Assistant U. S. Attorney
Chief, Civil Division

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Attorneys for Plaintiff

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SCHEDULE "A"
AUTHORITY FOR THE TAKING

The property is taken under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

1 SCHEDULE "B"
2 PUBLIC PURPOSE
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4 The public purpose for which said property is taken is to conduct
5 surveying, testing, and other investigatory work needed to plan the proposed
6 construction of roads, fencing, vehicle barriers, security lighting, and
7 related structures designed to help secure the United States/Mexico border
8 within the State of California.
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SCHEDULE "C"
LEGAL DESCRIPTION

A portion of the tract of land currently used as a right of way and identified on the attached Schedule "D", situate in Section 1, Township 18S, Range 8E, San Bernardino Principle Meridian, County of San Diego, State of California; the entire tract is also known as Assessors Parcel Number 6610500600, San Diego County, California.

Containing 1.45 acres, more or less, for the portion taken.

SCHEDULE "E"
ESTATE TAKEN

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 180 days later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule "C" to survey, make borings, and conduct other investigatory work for the purposes described in Schedule "B" and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

1 SCHEDULE "G"
2 NAMES AND ADDRESSES OF PURPORTED OWNERS:

3 AER Corporation
4 C/O James Wagoner
P. O. Box 1069
5 Los Alamitos, CA 90720

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THE UNITED STATES OF AMERICA,) Case No. 08cv0275-WQH (RBB)
4 Plaintiff,)) CERTIFICATE OF SERVICE BY MAIL
5 v.))
6 1.45 ACRES OF LAND, MORE OR LESS,)
7 SITUATE IN SAN DIEGO COUNTY, STATE)
8 OF CALIFORNIA; and AER CORPORATION;)
9 AND ALL OTHER INTERESTED PARTIES,)
Defendants.)

)

10 IT IS HEREBY CERTIFIED THAT:

11 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
12 business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

13 I am not a party to the above-entitled action. I have caused service of:

14 NOTICE OF CONDEMNATION [Fed. R. Civ. P. 71A] (dated 02/15/08)

15 on the following parties by electronically filing the foregoing with the Clerk of the District Court using
16 its ECF System, which electronically notifies them.

17 n/a

18 I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service,
to the following non-ECF participant on this case:

19 AER Corporation
20 c/o James Wagoner
P.O. Box 1069
21 Los Alamitos, CA 90720

22 the last known address, at which place there is delivery service of mail from the United States Postal
23 Service.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on February 15, 2008.

26 
27 Lori Aragon MacDonald
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